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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MS J.P., MS. J.O., AND MS. R.M., on
behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

JEFFERSON B. SESSIONS III,
ATTORNEY GENERAL OF THE
UNITED STATES, ET AL,

Defendants.

Case No. 2:18-cv-06081

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF;
PROPOSED AMICUS CURIAE
BRIEF**

Date: September 20, 2018

Time: 1:30 p.m..

Ctrm: 10B

Judge: Hon. John A. Kronstadt

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT, that on September 20, 2018, at 1:30 p.m., in Courtroom 10B of the above titled Court, located at 350 West First Street, Los Angeles, California 90012, the Alliance for Children's Rights (the "Alliance") will and hereby does move this Court for leave to file the attached Brief of *Amicus Curiae* in support of Plaintiffs' motion for preliminary injunction.

A district court has "broad discretion" to consider a brief of an *amicus curiae*. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472, 487 (1995). An *amicus* brief is "frequently welcome ... if the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 335 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (citations and internal quotation marks omitted); *see also Duronslet v. County of Los Angeles*, 2017 WL 5643144, at *1 (C.D. Cal. Jan 23, 2017) ("[T]his Court finds it preferable to err on the side of permitting such [amicus] briefs."); *Hoptowit*, 682 F.2d at 1260 ("The touchstone is whether the amicus is 'helpful.'").

Here, the Alliance has a special interest, and a special expertise, in promoting and protecting the health and welfare of families. Declaration of Jennifer L. Braun ("Braun Decl.") ¶ 2. Founded in 1992, the Alliance is a nationally recognized nonprofit organization that has assisted over 150,000 children through its advocacy and child welfare expertise. *Id.* Among other things, the Alliance focuses on securing medical coverage and therapies for children separated from their parents in the context of a removal into foster care, supporting children recovering from trauma, and promoting system-wide reform of the child welfare system to promote government policies that will improve children's lives. *Id.* ¶ 3. Since 2005, due to the advocacy of the Alliance, over 11,400 children have received services to overcome, among other issues, the trauma and instability of

1 separation from their parents by removal into foster care. *Id.* ¶ 4. In the past fiscal
2 year alone, the Alliance has coordinated 28,000 hours of pro bono legal work,
3 totaling more than \$11 million in free legal services to promote the welfare of
4 children. *Id.*

5 Plaintiffs' motion for preliminary injunction, currently pending before this
6 Court and scheduled to be heard on September 20, 2018, is primarily focused on
7 securing psychological screening and healthcare for children and parents who have
8 suffered trauma as a consequence of Defendants' separation of immigrant children
9 from their parents. Defendants' opposition to Plaintiffs' motion contends that
10 government care and custody of separated children is informed by foster care and
11 child welfare best practices. The Alliance has special expertise in the services and
12 protections afforded children by child welfare law and best practices, and is
13 experienced in advocating for children suffering trauma, particularly in connection
14 with removal and placement into foster care and consequent separation from their
15 parents, as well as in promoting safe and stable family life. *Id.* ¶¶ 3, 5.

16 The Alliance's proposed *amicus* brief, which has been filed concurrently
17 with this Notice of Motion and Motion, describes the protections for children under
18 federal and state child welfare law. That brief also discusses how, given the
19 evidence of trauma suffered by Plaintiffs and proposed class members, Plaintiffs'
20 requested relief is consistent with those protections and warranted here.

21 The Alliance's proposed *amicus* brief has not been authored in whole or in
22 part by counsel for a party, and no person or entity other than the Alliance has
23 made a monetary contribution to the preparation of the brief. The brief has been
24 prepared *pro bono* for the Alliance.

25 Counsel for Plaintiffs have consented to the Alliance filing an *amicus* brief
26 in this case. Counsel for the Alliance and the Alliance's Chief Executive Officer
27 telephoned Counsel for Defendants, Michael Heyse, on Thursday, August 16, 2018
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1 at approximately 9:10 a.m. and left a voice message regarding the filing of the
2 Alliance's proposed *amicus* brief, but to date have not received a response.

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4 Dated: August 17, 2018

Respectfully submitted,

5 IRELL & MANELLA LLP

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